

PATENT**REMARKS**

In the Office Action, the Examiner rejected claims 13-25 under 35 U.S.C. §103(a). These rejections are fully traversed below.

Claims 13 and 16-18 are amended to further clarify the subject matter regarded as the invention. New claims 26-28 have also been added to the application. Claims 22-25 have been previously cancelled from the application without prejudice or disclaimer. Claims 13-21 and 26-28 remain pending. Reconsideration of the application is respectfully requested.

REJECTION OF CLAIMS 13-21 UNDER 35 USC 103(a)

In the Office Action, the Examiner rejected claims 13-18 under 35 USC 103(a) as being unpatentable over Kim, U.S. Patent No. 6,512,826, in view of Breed et al., U.S. Patent Pub. No. 2001/0038698; rejected claims 18 and 21 under 35 USC 103(a) as being unpatentable over Kim in view of Breed et al. and further in view of Carmi et al., U.S. Patent Pub. No. 2003/0174242 A1; rejected claim 20 under 35 USC 103(a) as being unpatentable over Kim in view of Breed et al. and further in view of Freadman, U.S. Patent No. 5,481,616; and rejected claims 22-25 under 35 USC 103(a) as being unpatentable over Zlotnick, U.S. Patent Pub. No. 2004/0114772. Applicants respectfully disagree.

Claim 13

Claim 13 pertains to a peripheral apparatus for an electronic device. The peripheral apparatus includes a directional speaker that provides ultrasonic sound output, and a controller operatively connected to the directional speaker. The controller operates to supply signals to the directional speaker so that the ultrasonic sound is output by the directional speaker. More particularly, among other things, claim 13 recites:

PATENT

wherein said peripheral apparatus is configured to be removably connected to the personal, hand-held wireless communication device,

wherein said peripheral apparatus is portable and able to be hand-held, and

wherein while said peripheral apparatus is connected to the personal, hand-held wireless communication device and in use, the personal, hand-held wireless communication device with said peripheral apparatus remain portable and hand-held.

In contrast, Kim describes a hand-free kit. The kit has a main body, a connector member and a shaft member. The shaft member connects the main body and the connector member so as to permit the main body to rotate relative to the connector member. The connector member (i.e., connector member 420) connects to an external power source in a cigar portion.

As noted above, among other things, claim 13 recites that "while said peripheral apparatus is connected to the personal, hand-held wireless communication device and in use, the personal, hand-held wireless communication device with said peripheral apparatus remain portable and hand-held." Clearly, Kim fails to teach or suggest this feature of claim 13. The hand-free kit 400 shown in Fig. 3 and elsewhere in Kim has a connector member 420 that serves to connect to a power source via a cigar portion. Kim, col. 4, lines 30-35. See also Kim, col. 5, lines 11-35. Consequently, for the hand-free kit disclosed in Kim to operate, it must be plugged into the cigar portion (i.e., lighter receptacle). Surely then, the hand-free kit in Kim cannot be considered to be portable and hand-held when in use. Moreover, to suggest otherwise would be contrary to the objectives of Kim. The connector member 420 in Kim is especially made for being inserted into a cigar portion provided within a car. The main body 410 is also configured such that it can rotate about the connector member 420. Through such mechanical rotation, a speaker portion 417 can be directed towards a person in the car. The cigar portion is thus an essential aspect of the hand-free kit 400; any argument avoiding or ignoring such an aspect of Kim would be improper.

PATENT

On page 3 of the Office Action, the Examiner does recognize that Kim's speaker 417 is not taught as being able to provide ultrasonic output. However, in an effort to overcome this deficiency of Kim, the Examiner combines Breed et al. with Kim. Applicants submit that the proposed combination of references is improper as there is no motivation, hint or suggestion for the combination, nor is there any reasonable rationale for making the combination.

The speakers in Breed et al. are not part of a hand-held audio output device. Instead, the speakers are associated with a vehicle. Fig. 5A, for example, illustrates sound generating units 281, 282, 283 and 284 at different locations internal to the vehicle and used by an entertainment system 280 of the vehicle. E.g., para. [0132]. As such, Breed et al. fails to teach or suggest the electronic device of claim 1 which is a personal, hand-held wireless communication device.

The hand-free kit 400 in Kim has a speaker 417 and can only provide some directionality through a mechanical rotational movement of the main body 410 relative to the connector member 420. The sound generating units 281-284 of Breed et al. are dispersed at different locations in a vehicle (e.g., car), while the hand-free kit 400 of Kim is self-contained and designed to connect into a cigar portion in a car. Hence, there is no rational basis for someone skilled in the art to use the sound generating units 281-284 of Breed et al. with the self-contained hand-free kit 400 of Kim.

Even if the hand-free kit 400 of Kim could somehow be combined with the sound generating units 281-284 of Breed et al. as proposed by the Examiner, the hand-free kit 400 would necessarily become even further non-portable and further non-hand-held.

In addition, although the Examiner points to paragraph [0144] of Breed et al. as allegedly teaching a directional speaker, this portion of Breed et al. is far from being clear. The paragraph refers to "directional speaker" yet references FIG. 10 whose ultrasonic transducers 231, 232 and 233 determine the location of the driver's head and control the pointing direction of the microphone 355. These

PATENT

ultrasonic transducers 231, 232 and 233 are not designed to be directional speakers to generate audio outputs. Instead, the audio speaker 357 shown in FIG. 10 is connected to the phone system 359 and does not seem to be able to produce ultrasonic sound output which results in audio sound in a particular direction of a user sitting in the vehicle.

Accordingly, it is submitted that Kim in view of Breed et al. fails to teach or suggest the peripheral apparatus recited in claim 13. Also, claims 14 and 15 depend from claim 13 and are, therefore, patentably distinct from Kim in view of Breed et al. for at least the same reasons.

Claim 16

Claim 16 pertains to a peripheral device for a hand-held computing device. The peripheral device is itself a hand-held device and includes a housing with a directional speaker and a controller. The directional speaker is configured to provide ultrasonic sound output in a particular direction, wherein the ultrasonic sound output by the directional speaker can result in audio sound in the particular direction for a user of the hand-held computing device. The controller is connected to the directional speaker and operates to supply signals to the directional speaker so that the ultrasonic sound is output by the directional speaker. The peripheral device can also include "a port connector configured to assist with coupling said peripheral device to the computing device so that the computing device can drive said directional speaker to produce the audio sound." Also, similar to claim 13, claim 16 specifically recites: "wherein said peripheral device is a hand-held device and remains hand-held even when in use."

For at least the reasons noted above, Kim and Breed et al., alone or in combination, are unable to teach or suggest the numerous features of claim 16.

Therefore, it is submitted that Kim in view of Breed et al. fails to teach or suggest the peripheral device recited in claim 16. Also, claims 17-21 depend from claim 16 and are, therefore, patentably distinct from Kim in view of Breed et al. for at least the same reasons.

RECEIVED
CENTRAL FAX CENTER
PATENT
MAR 22 2010

Based on the foregoing, it is submitted that claims 13-21 are patentably distinct from Kim, alone or in combination with Breed et al. The other cited references, Carmi, Freedman and Zlotnick, even if combinable with Kim and Breed et al, are not able to overcome the deficiencies of Kim and Breed et al. noted above. Accordingly, it is respectfully requested that the Examiner withdraw the rejections under 35 USC 103(a).

SUMMARY

It is submitted that all claims are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

Respectfully submitted,

/C. Douglass Thomas/
C. Douglass Thomas
Reg. No. 32,947

(650) 903-9200 x103